



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

**27 CRIMINAL APPLICATION NO. 811 OF 2023**

1. Jayram s/o. Pariyaldas Tolani,  
Age : 59 years, Occ. : Business,  
R/o. : near Swaminarayan Mandir,  
opp. Mhaskar Plot, Amalner,  
Dist. Jalgaon

**APPLICANT**  
(Ori. Respt.)

**VERSUS**

1. Dr. Sneha Bharat Gidwani,  
Age : 47 years, Occ. : Doctor,  
R/o. : Dashmeshnagar, Sindhi Colony,  
ward No.1, Shrirampur,  
Tq. Shrirampur, Dist. Ahmednagar

**RESPONDENT**  
(Ori. Appl.)

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Mr. Bharatkumar R. Warma – Advocate for Applicant  
Mr. Manoj A. Dond – Advocate for Respondent (through V.C.)

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**CORAM : SACHIN S. DESHMUKH, J.**  
**DATE : 17.11.2025**

**ORDER :**

1. Heard learned Counsel for the respective parties.
2. The applicant has approached this Court raising an exception to the proceeding bearing Cri. Misc. Application No.5/2023 presented by the respondent under Section 12 along with reliefs claimed under the relevant provisions of the Protection of Women from Domestic Violence Act, 2005 (hereinafter “D.V. Act” for short) before the learned Judicial Magistrate First Class, Shrirampur, Dist. Ahmednagar.

3. The applicant (original respondent) is the uncle from maternal side of the husband of respondent herein (original applicant). It is alleged in the complaint that the grandfather of the respondent namely Sitaldas Wadhwani possessed several properties and assets. However, the father of the applicant namely Pareldas Tolani while working with Sitaldas fraudulently took over certain properties. After the death of Sitaldas in the year 1988, the son of Pareldas i.e. present applicant along with family used to reside in the house of Sitaldas and respondent used to visit the same.

4. In the interregnum, the respondent filed a civil suit against her father-in-law, which came to be compromised. The applicant, with the assertion that the applicant is envious to the compromise between the respondent and her father-in-law lodged a false F.I.R. against the respondent to cause mental harassment. Therefore, the respondent presented domestic violence complaint against the present applicant.

5. Learned Counsel for the applicant submits that the allegations against the present applicant are sweeping and omnibus. The applicant, being the maternal uncle of the respondent had no occasion to share the house with the respondent. Moreover, the respondent is married and is a doctor by profession. As such, resides in the matrimonial house of her husband. The domestic violence complaint is filed with malicious intent and to settle the scores with regards to the properties of the respondent's

grandfather i.e. Sitaldas. Hence, prayed to allow the application.

6. Learned Counsel for the respondent has opposed the application, submitting that the respondent is subjected to domestic violence by the present applicant as such, has lodged false complaint against the respondent. Therefore, prayed for rejection of the application.

7. Perusal of the domestic violence complaint indicates that there exists a civil dispute between the respondent and her family members regarding certain properties of her grandfather. It is also alleged in the complaint that the applicant has occupied certain properties subject matter of the suit of the grandfather of the respondent. Moreover, the domestic violence complaint though refers a false F.I.R. filed by the applicant against the respondent, however, no details of the same have been mentioned.

8. Apart from the aforesaid aspects, there is nothing in the complaint to indicate that the applicant subjected the respondent to domestic violence. All the allegations are vague and omnibus in nature. There is no specific event or overt act attributed to the applicant constituting domestic violence. The mere assertion that the applicant has lodged an F.I.R. against the respondent cannot be treated as a incident to constitute domestic violence. As such, continuance of the said proceeding would amount to abuse of process of law.

9. Resultantly, I am of the considered view that the matters relating to domestic violence, the allegations must be specific. In absence of specific allegations, the continuance of proceedings against the applicant would be unsatisfied.

10. In order to achieve the ends of justice, the impugned complaint presented under the Domestic Violence Act deserves to be quashed and set aside. Hence, the following order :

**ORDER**

- (a) The petition is allowed.
- (b) The proceeding bearing Cri. Misc. Application No.5/2023 for the offences punishable under Section 12 with reliefs claimed under Protection of Women from Domestic Violence Act, 2005, pending before the learned Judicial Magistrate First Class, Shrirampur, Dist. Ahmednagar is quashed and set aside.
- (c) Accordingly, Criminal Application stands disposed of.

[ SACHIN S. DESHMUKH ]  
JUDGE